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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,423	02/01/2001	Magnus Danielson	AB-1049 US	8631

32605 7590 02/17/2005

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EXAMINER	
MILLS, DONALD L	
ART UNIT	**PAPER NUMBER**
2662	

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/673,423	Applicant(s) DANIELSON ET AL.	
	Examiner Donald L Mills	Art Unit 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21,24-26 and 33-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21,24-26 and 33-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9, 13-15, and 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9, the claim recites "the bit stream of interest" (See claim 9, line 4.) It is unclear from the context of the claim what "the bit stream of interest" pertains too.

Regarding claims 13-15 and 20, the claim recites "said channel" (For example, see claim 13, line 2.) There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 17 and 18, the claims recite "traffic" (For example, see claim 17, line 3.) It is unclear from the context of the claim what "traffic" pertains too since no mention of transmitting "traffic" is mentioned in the parent claim.

Regarding claim 19, the claim recites "overlying network protocols" (See claim 9, line 3.) It is unclear from the context of the claim what "overlying network protocols" are being referenced since the parent claim makes no mention of other potential protocols.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-8, 10-14, 17-20, 24-26, and 33-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clanton et al. (US 5,734,867), hereinafter referred to as Clanton, in view of Chan (US 5,790,551).

Regarding claim 1, Clanton discloses a method for instantaneous preemption of packet data, which comprises:

Allocating a set of time slots to a circuit-switched first channel (Referring to Figure 2, a set of time slots, 0 through 7, are allocated to the downlink channel;)

Associating the allocated set of time slots to said first channel with a first level of priority (Referring to Figure 5, the channel state of the time slot comprises a priority status for indicating a present priority level, comprising at least two levels. See column 4, lines 31-35;)

Comparing said first and second levels of priority (Referring to Figure 5, allowing a higher priority subscriber unit to transmit based upon the central access manager's assigning the time slot to the higher priority subscriber unit over the channel. See column 4, lines 25-30.)

Clanton does not disclose *receiving a request for time slots for a circuit-switched second channel associated with a second level of priority* and *determining whether or not to deallocate time slots from said first channel, and allocate the deallocated time slots to said second channel, based upon said comparison.*

Clanton teaches allowing users to transmit on the uplink channel based upon ownership of the timeslot based upon a higher priority (See column 3, lines 13-16.) Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular

frequency/time slot, and the network responds with the identification of a particular channel that may be used for a particular time period to transmit data that was previously assigned to another channel (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption with multiple uplink and downlink channels of Clanton in the system of Chan. One of ordinary skill in the art would have been motivated to do so in order to send short messages and high priority short packets instantaneously without going through a contention process for dense cellular areas serving a large number of users (See column 1, lines 35-38.)

Regarding claims 2 and 5 as explained in the rejection of claim 1, Clanton and Chan teach all of the claim limitations of claim 1 (parent claim).

Clanton does not disclose *determining to deallocate time slots from said first channel if said second level of priority is higher than said first level of priority.*

Clanton teaches allowing a higher priority subscriber unit to transmit based upon the central access manager's assigning the time slot to the higher priority subscriber unit over the channel (See column 4, lines 25-30.) Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel that may be used for a particular time period to transmit data that was previously assigned to another channel (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption with multiple uplink and downlink channels of Clanton in the system of Chan. One of ordinary skill in the art would have been motivated to

do so in order to send short messages and high priority short packets instantaneously without going through a contention process for dense cellular areas serving a large number of users (See column 1, lines 35-38.)

Regarding claim 3, the primary reference further teaches the *second level of priority is identified in said request* (Referring to Figure 2, the channel state includes a channel type and the priority level of the time slot. See column 2, lines 64-65.)

Regarding claim 4 as explained in the rejection of claim 1, Clanton and Chan teach all of the claim limitations of claim 1 (parent claim).

Clanton does not disclose *deallocate time slots from said first channel is performed if there are insufficient non-allocated time slots available to satisfy said request.*

Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel that may be used for a particular time period to transmit data that was previously assigned to another channel (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption with multiple uplink and downlink channels of Clanton in the system of Chan when time there is not enough time slots initially available. One of ordinary skill in the art would have been motivated to do so in order to send short messages and high priority short packets instantaneously without going through a contention process for dense cellular areas serving a large number of users (See column 1, lines 35-38.) And, to avoid unnecessary interference with other channels.

Regarding claim 6 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *determining whether to deallocate the time slots from the first channel based upon an evaluation regarding to which channel a time slot was last allocated.*

Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel, after reviewing all time slots including those that may have been previously allocated, that may be used for a particular time period to transmit data (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption of Clanton in the system of Chan. One of ordinary skill in the art would have been motivated to do so in order to send short messages and high priority short packets instantaneously without going through a contention process (See column 1, lines 35-38.)

Regarding claim 7 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *deallocating time slots from the first channel based upon an evaluation regarding to which channel a time slot has been allocated the longest period of time.*

Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel, after reviewing all time slots including those that may have been previously

allocated for extended periods of time, that may be used for a particular time period to transmit data (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption of Clanton in the system of Chan. One of ordinary skill in the art would have been motivated to do so in order to send short messages and high priority short packets instantaneously without going through a contention process (See column 1, lines 35-38.)

Regarding claim 8 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *deallocating the time slots from the first channel based upon an evaluation regarding from which channel a time slot was last deallocated.*

Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel, after reviewing all time slots including those that may have been previously deallocated, that may be used for a particular time period to transmit data (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption of Clanton in the system of Chan. One of ordinary skill in the art would have been motivated to do so in order to send short messages and high priority short packets instantaneously without going through a contention process (See column 1, lines 35-38.)

Regarding claim 10 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *associating the allocation of all time slots allocated to the first channel with the same level of priority.*

Clanton teaches assigning a channel state of the time slot including a priority status for indicating the present priority level for a time slot (See column 4, lines 31-34.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the same priority level in the time slots of Clanton. One of ordinary skill in the art would have been motivated to do so in order to protect high priority data from interruption.

Regarding claim 11 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *associating the first channel with the first level of priority, resulting in associating the allocation of each time slot allocated to the first channel with the same level of priority.*

Clanton teaches assigning a channel state of the time slot including a priority status for indicating the present priority level for a time slot (See column 4, lines 31-34.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the same priority level in the time slots of Clanton. One of ordinary skill in the art would have been motivated to do so in order to protect high priority data from interruption.

Regarding claim 12, the primary reference further teaches *associating the allocation of different time slots allocated to the first channel with different levels of priority* (Referring to

Figure 3, the channel state of the time slot comprises a priority status for indicating a present priority level for a time slot. See column 4, lines 33-34.)

Clanton does not disclose *deallocating from the first channel, and allocating to the second channel, only such time slots that have been allocated to the first channel with a level of priority that are lower than said second level of priority.*

Clanton teaches allowing a higher priority subscriber unit to transmit based upon the central access manager's assigning the time slot to the higher priority subscriber unit over the channel (See column 4, lines 25-30.) Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel that may be used for a particular time period to transmit data that was previously assigned to another channel (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption with multiple uplink and downlink channels of Clanton in the system of Chan. One of ordinary skill in the art would have been motivated to do so in order to send short messages and high priority short packets instantaneously without going through a contention process for dense cellular areas serving a large number of users (See column 1, lines 35-38.)

Regarding claim 13 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *associating the allocation of time slots allocated to the channel over a first portion of the network with one level of priority and associating the allocation of time slots allocated to the first channel over another portion of the network with another selected level of priority.*

Clanton teaches assigning a channel state of the time slot including a priority status for indicating the present priority level for a time slot (See column 4, lines 31-34.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the varying priority levels across different parts of the network in the time slots of Clanton. One of ordinary skill in the art would have been motivated to do so in order to protect high priority data transmission from interruption and allow low priority data transmission to be interrupted for high priority data transmission.

Regarding claim 14, the primary reference further teaches *changing the level of priority associated with the allocation of time slots to the channel as a consequence of changing bandwidth requirements* (Referring to Figure 3, the channel state of the time slot comprises a priority status for indicating a present priority level for a time slot, inherently changed to represent the present level of priority, comprising a packet channel type which identifies a busy-idle state. See column 4, lines 33-34.)

Regarding claim 17, the primary reference further teaches *selecting the levels of priority based upon the identity of a physical or virtual port or interface to/from which traffic pertaining to the respective channel is delivered* (Referring to Figure 3, the channel state of the time slot comprises a priority status for indicating a present priority level for a time slot, inherently based upon the air interface. See column 4, lines 33-34.)

Regarding claim 18, the primary reference further teaches *selecting the levels of priority based upon an identification of the type of application that traffic to be transported in the respective channel pertains to* (Referring to Figure 3, the channel state of the time slot comprises a priority status for indicating a present priority level for a time slot, utilized for establishing high

priority for instantaneous transmission of short messages and short packets instantaneously. See column 4, lines 33-34.)

Regarding claim 19, the primary reference further teaches *selecting the levels of priority based upon priority information derived from overlying network protocols* (Referring to Figure 3, the channel state of the time slot comprises a priority status for indicating a present priority level for a time slot, utilized for establishing high priority for instantaneous transmission of short packets. See column 4, lines 33-34.)

Regarding claim 20, the primary reference further teaches *transmitting information on the level of priority associated with the allocation time slots to a channel to one or more other nodes of the network in order for the other node or nodes to be able to switch the channel taking the level of priority into consideration* (Referring to Figure 3, subscriber unit A transmits on the corresponding uplink time slot, then the subscriber unit C with higher priority, transmits on the time slot. See column 3, lines 26-30.)

Regarding claim 24, Clanton discloses a method for instantaneous preemption of packet data, which comprises:

Priority assignment means for associating the allocation of time slots to established circuit-switched channels with selected levels of priority (Referring to Figure 5, the channel state of the time slot comprises a priority status for indicating a present priority level, comprising at least two levels, for timeslots in the uplink channel. See column 4, lines 31-35;)

Clanton does not disclose *slot allocating means provided to receive requests for time slots and to determine to deallocate time slots from the established channel, for allocation to the*

requests, based upon a comparison of levels of priority associated with the established channel and levels of priority associated with the requests

Clanton teaches allowing a higher priority subscriber unit to transmit based upon the central access manager's assigning the time slot to the higher priority subscriber unit over the channel (See column 4, lines 25-30.)

Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel that may be used for a particular time period to transmit data that was previously assigned to another channel (See column 1, lines 61-66.) Clanton teaches allowing users to transmit on the uplink channel based upon ownership of the timeslot based upon a higher priority (See column 3, lines 13-16.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption with multiple uplink and downlink channels of Clanton in the system of Chan. One of ordinary skill in the art would have been motivated to do so in order to send short messages and high priority short packets instantaneously without going through a contention process for dense cellular areas serving a large number of users (See column 1, lines 35-38.)

Regarding claim 25, the primary reference further teaches *a slot utilization table indicating the level of priority associated with the allocation of time slots to established channels* (Referring to Figures 1 and 2, the central access manager **108** inherently tracts the priority of the time slots in order to determine when to permit a higher priority message or packet to be transmitted.)

Regarding claim 26, the primary reference further teaches *writing information designating that the time slot allocated to the channel is associated with the selected level of priority* (Referring to Figure 5, the channel state of the time slot, comprises a priority status for indicating a present priority level, is created. See column 4, lines 31-35.)

Regarding claims 33 and 35, the primary reference further teaches *specifying different traffic service classes based upon said priority levels when operating a communication network* (Referring to Figure 3, the channel state of the time slot comprises a priority status for indicating a present priority level for a time slot, utilized for establishing high priority for instantaneous transmission of short messages and short packets instantaneously. See column 4, lines 33-34.)

Regarding claims 34 and 36, the primary reference further teaches *providing channel prioritization based upon said priority levels when interconnecting ports of a data switching or routing apparatus* (Referring to Figures 1 and 2, the channel state includes a channel type and the priority level of the time slot, for connecting ports of the central access manager. See column 2, lines 64-65.)

Regarding claims 37-39 as explained in the rejection of claim 1, Clanton and Chan teach all of the claim limitations of claim 1 (parent claim).

Clanton does not teach *wherein said method is performed at a node of the network and wherein the request is received from another node of the network.*

Chan teaches sending a request from the mobile for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel that may be used for a particular time period to transmit data that was previously assigned to another channel (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption with multiple uplink and downlink channels of Clanton in the system of Chan. One of ordinary skill in the art would have been motivated to do so in order to send short messages and high priority short packets instantaneously without going through a contention process for dense cellular areas serving a large number of users (See column 1, lines 35-38.)

Regarding claim 41 as explained in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim).

Clanton does not disclose *defining the level of priority for the allocation of time slots to one or more of said channels so that a higher level of priority is assigned for allocation of time slots to channels carrying traffic pertaining to real-time applications, such as voice or video applications, whereas a lower level of priority is assigned for allocation of time slots to channels carrying bursty data traffic.*

Clanton teaches allowing users to transmit on the uplink channel based upon ownership of the timeslot based upon a higher priority (See column 3, lines 13-16.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement higher priority to voice traffic over data traffic in the system of Clanton. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to prioritize delay sensitive traffic such as voice traffic ahead of data traffic, which is not as sensitive to delay.

5. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clanton et al. (US 5,734,867), hereinafter referred to as Clanton, in view of Chan (US 5,790,551) further in view of Schmidt et al. (US 6,205,154 B1), hereinafter referred to as Schmidt.

Regarding claim 9 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *deallocating the time slots from the first channel based upon which channel a time slot should be deallocated in order to counteract time slot fragmentation on the bitstream of interest.*

Schmidt teaches an automatic path selection which prevents bandwidth fragmentation and optimizes bandwidth utilization by selecting the time slot which maximizes time slot assignment (See column 3, lines 65-67 and column 4, lines 1-2.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the automatic path selection method of Schmidt in the system of Clanton. One of ordinary skill in the art would have been motivated to do so in order to prevent bandwidth fragmentation for mobile traffic that traverses a wire-line.

6. Claims 15, 16, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clanton et al. (US 5,734,867), hereinafter referred to as Clanton, in view of Chan (US 5,790,551), in further view of Kusano et al. (US 5,933,422), hereinafter referred to as Kusano.

Regarding claims 15 and 40 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *determining the priority by which the channels are to be re-established in case of channel failure based upon their respective levels of priority.*

Kusano teaches a communication network recoverable from link failure using prioritized recovery classes comprising a path management table **80** where virtual paths comprises a fault recovery class with three levels of priority indicating which paths are to be recovered (See column 3, lines 24-28.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the prioritized fault recovery method of Kusano in the system of Clanton. One of ordinary skill in the art would have been motivated to do so in order to guarantee necessary bandwidth for continued operation in the event of a failure during the transmission of a message or packet in system comprising multiple uplink and downlink channels.

Regarding claim 16 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *determining a degree of redundancy requested for the channels based upon their respective levels of priority.*

Kusano teaches a communication network recoverable from link failure using prioritized recovery classes comprising a path management table **80** where virtual paths comprises a fault recovery class with three levels of priority indicating which paths are to be recovered (See column 3, lines 24-28.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the prioritized fault recovery method of Kusano in the system of Clanton. One of ordinary skill in the art would have been motivated to do so in order to

guarantee necessary bandwidth for continued operation in the event of a failure during the transmission of a message or packet.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohm et al. (US 5,982,780), hereinafter referred to as Bohm, in view Clanton et al. (US 5,734,867), hereinafter referred to as Clanton, in view of Chan (US 5,790,551).

Regarding claim 21, Bohm discloses a resource management method, which comprises: *receiving a request for time slots for a circuit switched channel in need of bandwidth* (Referring to Figures 1 and 2, a user requests additional time slots for the channel needing additional capacity. See column 6, lines 50-53,) and *allocating to the channel a time slot put at the channel's disposal as a result of the request* (Referring to Figures 1 and 2, the node sends a channel establishment message to the next hop to allocate the requested time slots for the channel. See column 6, lines 51-53.) Bohm does not disclose *specifying levels of priority associated with the allocation of time slots to respective established channels; the request being associated with a level of priority;* and *determining if there are slots available that are not allocated to any other channel and, if so, allocating such time slots to said circuit switched channel; and if the amount of time slots so allocated to said circuit switched channel is insufficient to meet the request; determining if there are time slots allocated to said established channels at a level of priority that is deemed lower than the requested level of priority and, if so, deallocating such time slots from such established channels and allocate so deallocated time slots to said circuit switched channel.*

Clanton teaches assigning a channel state of the time slot, including a priority status for indicating the present priority level for a time slot, for resolving contention between competing subscriber stations (See column 4, lines 31-34.) Clanton teaches allowing a higher priority subscriber unit to transmit based upon the central access manager's assigning the time slot to the higher priority subscriber unit over the channel (See column 4, lines 25-30.) Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel that may be used for a particular time period to transmit data that was previously assigned to another channel (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption with multiple uplink and downlink channels of Clanton with prioritization system of Chan in the system of Bohm. One of ordinary skill in the art would have been motivated to do so in order to send short messages and high priority short packets instantaneously without going through a contention process for dense cellular areas serving a large number of users (See column 1, lines 35-38.)

Response to Arguments

8. Applicant's arguments with respect to claims 1-21, 24-26, and 33-41 have been considered but are moot in view of the new ground(s) of rejection.

On page 9 of the remarks, Applicant argues in Clanton, a channel is defined by one time slot. The Examiner respectfully disagrees. Clanton discloses two channels, the uplink and downlink channels, which comprise eight repetitive time slots, numbered one through seven

respectively. Therefore, the channels are not defined by one time slot rather by several time slots. The Examiner interprets the *circuit switched channels* as referring to the previously mentioned channels (uplink and downlink channels) of Clanton. With this interpretation in mind, the claims are made obvious in view of the prior art.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Mills whose telephone number is 571-272-3094. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Donald L Mills

DLM

February 14, 2005

JOHN PEZZLO
PRIMARY EXAMINER